

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY MABRY,)	
)	
Petitioner,)	
)	Civil Action No. 15-141
v.)	
)	
MARK KIRBY, Warden,)	
FCI Loretto,)	
)	
Respondent.)	

MEMORANDUM AND ORDER OF COURT

On February 3, 2015, Anthony Mabry ("petitioner"), a federal inmate incarcerated at FCI Loretto, filed a counseled Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. §2241, in which he challenged the computation of his federal sentence. Petitioner claimed that the Federal Bureau of Prisons erroneously computed his federal sentence by failing to give him credit for time he spent in service of his state sentences, including time he spent in the custody of the United States Marshals Service pursuant to a writ of habeas corpus *ad prosequendum*. Petitioner's case was referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with 28 U.S.C. §636(b)(1).

On November 12, 2015, Magistrate Judge Eddy filed a Report and Recommendation in which she recommended that petitioner's §2241 petition be dismissed because he failed to exhaust his administrative remedies. The parties were advised that any written objections to the Report and Recommendation were due by November 30, 2015. To date, neither party has filed any objections.

After *de novo* review of the record in this case, and pursuant to LCvR 72.D.2, this court

accepts in whole the findings and recommendation made by Magistrate Judge Eddy in her Report. In particular, this court agrees with Magistrate Judge Eddy's finding that petitioner failed to exhaust administrative remedies available to him under 28 C.F.R. 542.10, *et seq.* Magistrate Judge Eddy's Report contains a thorough and well-reasoned analysis supporting this conclusion and leaves nothing for this court to add.

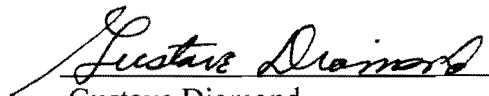
Accordingly, the Report and Recommendation will be adopted in whole as the opinion of this court, and petitioner's §2241 petition will be dismissed.

An appropriate order follows.

ORDER OF COURT

AND NOW, this 8th day of December, 2015, after *de novo* review of petitioner's Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. §2241, the Report and Recommendation of United States Magistrate Judge Cynthia Reed Eddy dated November 12, 2015 (Document No. 13), and the parties having filed no objections to the Report and Recommendation, IT IS ORDERED that the Report and Recommendation be, and the same hereby is, **adopted** in whole as the opinion of this court; and,

For the reasons set forth in the Memorandum above, as well as those set forth in the Report and Recommendation, IT FURTHER IS ORDERED that petitioner's §2241 petition (Document No. 1) be, and the same hereby is, **dismissed** and this case is closed.


Gustave Diamond
United States District Judge

cc: Donna J. McClelland, Esq.
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